THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION Nos.1402, 1403, 1404, 1405 and 1406 of 2006

Dated:28.01.2006

WRIT PETITION No.1402 of 2006

Between:

Smt. G. Trimurthulu, W/o. Sri Lakhmana Rao
R/o. Kovvuru, West Godavari District, Rep. by her GPA holder Sri V.

Ramchandra Rao,
S/o. Musaliah, aged 48 yrs, Occ: Business, R/o. Refcon Rajsoudha

Apartments,Motinagar,Babbuguda,Hyd.

..... PETITIONER

AND

The District Registrar, Ranga Reddy District, at Moosapet, Hyderabad, and others.

.....RESPONDENTS

WRIT PETITION No.1403 of 2006

Between:

Sri K.V.Narayana, S/o.K.Adivishnu,
R/o.Brahmanagudem, West Godavari District, Rep by her GPA holder

Sri V.Ramachandra Rao,
S/o.Musaliah, 48 Years, Business, R/o.Refcon Rajasoudha Apts,

Motinagar, Babbuguda, Hyderabad.

..... PETITIONER

AND

The District Registrar, Ranga Reddy District at Moosapet, Hyderabad. And others.

.....RESPONDENTS

WRIT PETITION No.1404 of 2006

Between:

Smt.Cherukuri Uma Lakshmi W/o.Ch.Satyanarayana
R/o.Jyothinagar, Mehdipatnam, Hyderabad rep.by her GPA Holder

Sri.V.Ramchandra Rao,S/o.Musalaiah, aged 48 yrs
Occ:Business, R/o.Refcon Rajsoudha Apartments, Motinagar,

Babbuguda, Hyderabad

..... PETITIONER

AND

The District Registrar, Ranga Reddy District at Moosapet Hyderabad, and others.

.....RESPONDENTS

WRIT PETITION No.1405 of 2006

Between:

Sri. K. Udaya Bhaskar, S/o. K. Adivishnu,
R/o. Brahmanagudem, West Godavari District. Rep. by her GPA holder

Sri V. Ramchandra Rao,
S/o. Musaliah, aged 48 yrs, Occ: Business, R/o. Refcon Rajsoudha

Apartments,Motinagar,Babbuguda,Hyd.

..... PETITIONER

AND

The District Registrar, Ranga Reddy District, at Moosapet, Hyderabad, and others.

.....RESPONDENTS

WRIT PETITION NO : 1406 of 2006

Between:

Sri I. Venkata Rao, S/o. I.V. Ranga Rao,
R/o. 101, Rajasoudha Apartments Mothinagar, Hyderabad, rep. by her

GPA holder Sri V. Ramachandra Rao,
S/o. Musalaiah, 48 Years, Business, R/o. Refcon Rajsoudha-

Apartments, Motinagar, Babbuguda, Hyderabad.

..... PETITIONER

AND

The District Registrar, Ranga Reddy District at Moosapet Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.1402, 1403, 1404, 1405 and 1406 of 2006

COMMON ORDER:

In all these writ petitions, the petitioners purchased various extents of agricultural lands situated in Poppalaguda Village of Rajendra Nagar Mandal, Ranga Reddy District, comprised in Survey Nos.262, 270, 271, 272, 273 and 274 from respondent Nos.4 to 7 (they are common in all the writ petitions) under various sale deeds registered in August 2003. It appears, vast urbanization resulted, *inter alia*, in the exorbitant increase in the rate of the land, and therefore, the vendors of the petitioners tried to interfere with the petitioners' possession and grabbed the land. Therefore, all the petitioners filed various suits being O.S.No.803 of 2003 etc., on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District, and

obtained orders of status quo as to possession. It appears, the petitioners' vendors, who also entered into sale transactions with others, executed unilateral cancellation dated 06.01.2005 with an intention to divest the title of the petitioners, which they obtained under various separate sale deeds. Therefore, the present writ petitions are filed, *inter alia,* for a direction to the District Registrar, Ranga Reddy District, Joint Sub-Registrar–1, Ranga Reddy District, and the Sub-Registrar, Rajendra Nagar, not to admit or register any unilateral deed of cancellation of sale deeds that may be presented by respondent Nos.4 to 7 in respect of various sale deeds in favour of the petitioners.

The learned Counsel for the petitioners submits that respondent Nos.4 to 7 have already executed cancellation deeds in respect of the land admeasuring Ac.0.34 guntas comprised in Survey No.267 of Poppalaguda Village, which they had earlier sold to one Smt. T.Padma, w/o.Sri T.Rama Krishna. He further submits that respondent Nos.1 to 3 are not competent to register documents of cancellation of sale deeds and in the alternate, he would also urge that as per a memo issued by the Commissioner of Inspector General of Stamps and Registration, being Memo No.G1/4838/04, dated 17.12.2004, whenever a cancellation of sale deed is admitted and registered by a registering authority, they shall have to make an endorsement to the effect that unilateral cancellation is not valid in law and the executant has to seek necessary relief/redressal in a Court of law.

Registration Act, 1908 (for short 'the Act'), deals with registration of certain documents and matters connected therewith. Section 17 of the Act enumerates various documents, which require compulsory registration. A reading of Section 17(1)(e) of the Act would show that any non-testamentary instruments limiting or extinguishing right vested is also compulsorily registerable. Therefore, whenever a cancellation deed is presented, it has to be tackled by the registering officers (be it noted, they are the statutory authorities bound to act within the four corners of Registration Act, 1908) strictly in accordance with the provisions of the Act and the Andhra Pradesh Rules under the Registration Act, 1908 (for brevity 'the Rules'), which were promulgated by the Inspector General of Registration under Section 68 of the Act. There is no provision – it is neither denied nor disputed – which authorizes the registering authority to refuse registration of a document, which falls within Section 17(1) of the Act. However, Part XII of the Act enumerates certain situations where the registering authority can refuse the registration for valid reasons. Section 73 of the Act is to the effect that whenever execution of the document is denied, the registering authority can refuse registration, in which event, the person presenting the document for registration has to establish right to have the document registered by filing a suit. Rule 58 of the Rules casts an obligation on the registering officer to enquire into the validity of the document brought for registration. Though he cannot refuse registration on the ground that executing party has no right to execute the document, the registering officer can certainly consider the objections raised by the objectors, namely a) that the parties are not the persons they profess to be; b) that the document is forged; c) that the person appearing as representative has no right to appear; and d) that the executing party is not really dead as alleged by the party applying for registration. In **Property Association of Baptist Churches**

v. Sub-Registrar, Jangaon, this Court considered this aspect of the matter in the background of various provisions of the Act as well as Rule 58 of the Rules. The position of law was explained as under.

> A reading of the above provisions would show that the power of the registering officer is limited to enquire into the validity of the document brought to him for registration or to enquire into any written or verbal protest against the registration of a document based on the ground that the executing party has no right to execute the document. The limited power of the registering officer to enquire into objections that the executing party had no right to execute document get extinguished the moment the document is registered. No such power inheres in the registering officer or the District Registrar to cancel the sale deed, unless another document for cancellation is presented with proper stamp duty and registration charges. A party aggrieved by a registered document on conveyance has to file civil suit seeking appropriate declaration under Section 34 of the Specific Relief Act, read with Article 59 of the Schedule under the Limitation Act 1963 (Act 36 of 1963). The writ petition is not a proper remedy.

Further Specific Relief Act, 1963, gives remedy under Section 33 to seek a decree for cancellation of a deed. Therefore, the petitioners cannot be said to be without any remedy. Indeed, as admittedly, all of them already filed suits and obtained status quo orders from the Civil Court, these writ petitions cannot be entertained.

Insofar as the memo dated 17.12.2004 issued by the Inspector General of Registration is concerned, it is brought to the notice of this Court that the same has been assailed in the writ petition, being W.P.No.22257 of 2004, and the matter is now pending before the Full Bench for consideration. However, the same has not been stayed. Therefore, the only remedy for the petitioner would be to approach respondent Nos.1 to 3 herein by making a representation duly bringing to their notice the memo dated 17.12.2004 as well as Rule 58 of the Rules, in which event, respondent Nos.1 to 3 shall consider the same before taking any action insofar as the properties purchased by the petitioners are concerned.

The Writ Petitions, with the above observations, are accordingly disposed of. No costs.

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(V.V.S.RAO, J)

28.01.2006

vs